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Arnold Schwarzenegger  
Governor

## NOTICE OF APPLICATIONS TO APPROPRIATE WATER BY PERMIT AND PETITION CHANGES

**APPLICATIONS:** 31179, 31261, 31446, and 31296

**CHANGE PETITIONS FOR APPLICATIONS:** 25596 (License 11727), 29783, 30015,  
29760, and 30656

**STREAM SYSTEM:** Russian River Watershed

**COUNTY:** Mendocino

Notice is hereby given that East Sanel Irrigation Company (East Sanel), Middleridge Vineyards, M-R Vineyard, and Brutocao Vineyards have filed applications for water right permits and/or petition changes. The State Water Resources Control Board (SWRCB) will determine whether water right permits or petition changes should be issued for the applications/petitions and, if so, whether conditions are needed in the permit or license to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of protests against these applications and/or petitions. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the applicant should be mailed to the name and address shown below the application number.

### BACKGROUND

The applications and petition changes listed in this notice are interconnected. East Sanel is comprised of lands owned by five entities: Middleridge Vineyards, M-R Vineyard, Brutocao Vineyards, Lakeview Vineyards, and University of California. East Sanel diverts water by pumping from the Russian River via a 14-inch pipeline that is approximately 11,400 feet in length to the four entities. Four of the five entities either have existing water rights of their own or have applied for water rights in addition to utilizing water from East Sanel and their applications are outlined in the table shown below. East Sanel is petitioning to increase its place of use under Licensed Application 25596, and Applications 31179, and 31261 to include 935.5 acres that will cover Middleridge Vineyards, M-R Vineyard, Brutocao Vineyards, Lakeview Vineyards, and University of California. In addition, East Sanel is seeking a right under Application 31179 to continue to divert 2.95 cubic feet per second (cfs) from February 15 through March 31 for frost protection purposes and under Application 31261 it is seeking to continue to divert water from November 1 through November 15 by direct diversion for irrigation purposes. Middleridge Vineyards filed Application 31446 to establish a right to continue to store seven acre-feet annually (afa) to storage from December 15 through March 31 of the succeeding year for irrigation, frost protection, and heat control purposes. Of the entities listed above, East Sanel and M-R Vineyard have filed Applications to Appropriate Water by Permit and/or Petition Changes, and Brutocao Vineyards has filed a petition to amend its place of use on two applications that were previously noticed.

<b>TABLE – SUMMARY OF WATER RIGHTS</b>				
Owner	Existing Place of Use	Proposed Place of Use	Water Rights	Total Annual Quantity of Water
Middleridge Vineyards (East Valley)	165 acres	181.5 acres	A25887A&B*; A25888A&B*; A29783, and 31446	492 acre-feet
M-R Vineyard (West Valley)	138 acres	248 acres	A30015 and A31296	123 acre-feet
Brutocao Vineyards	35 acres	357 acres	A29760 and A30656	543 acre-feet
Lakeview Vineyards	55 acres	105 acres	A31184*	74 acre-feet
University of California	24 acres	39 acres	Served by License 11727 (Application 25596)	55 acre-feet
East Sanel Irrigation Company	252 acres	935.5 acres	License 11727 (A25596), A31179, and A31261	598 acre-feet

\*Applications 25887A&B, 25888A&B, and 31184 These applications are part of the overall project, but are not involved in this action.

**NOTICE OF CHANGE IN THE PLACE OF USE AND PURPOSE OF USE**

**LICENSE:** 11727 (Application 25596)  
**PETITIONER:** East Sanel Irrigation Company  
 c/o Wagner and Bonsignore  
 444 North Third Street, Suite 325  
 Sacramento, CA 95814

**LICENSE ISSUED:** March 11, 1985

**Description of Project - License 11727 (Application 25596)**

The licensee requests to increase the authorized place of use from 252 acres to 935.5 acres and to add heat control as a purpose of use. The petitioner proposes to limit the combined amount diverted under License 11727 (Application 25596) and Applications 31179 and 31261 to 598 acre-feet annually (afa). In addition, the point of diversion description requires a correction, which the Division intends to do as part of the petition process. Water is directly diverted from the Russian River via an existing pipeline for vineyard irrigation in the places of use of five entities (as listed below). The project is located approximately one-half mile southeast from Old Hopland.

**Summary of License 11727 (Application 25596)**

County: Mendocino  
 Source: Russian River  
 Point of  
 Diversion: Located within the NE¼ of SE¼ of Section 18, T13N, R11W, MDB&M.  
 Amount: 2.95 cubic feet per second (cfs) by direct diversion.  
 Season: April 1 to October 31 of each year.

Purposes: Irrigation and Stockwatering.

Place of Use:

<b>Licensed 11727 (Application 25596) - Existing Place of Use</b>						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE¼	17*	13N	11W	MD	32	Yes
SW¼	16*	13N	11W	MD	30	Yes
NE¼	20*	13N	11W	MD	13	Yes
	21*	13N	11W	MD	144	Yes
NE¼	28	13N	11W	MD	33	Yes
<b>Total</b>					<b>252</b>	

<b>Licensed 11727 (Application 25596) - Proposed Place of Use</b>						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
NW¼ of SW¼	16*	13N	11W	MD	6	Yes
SW¼ of SW¼	16*	13N	11W	MD	25	Yes
SE¼ of SW¼	16*	13N	11W	MD	4	Yes
NW¼ of SE¼	17*	13N	11W	MD	13	Yes
NE¼ of SE¼	17*	13N	11W	MD	29	Yes
SE¼ of NW¼	17*	13N	11W	MD	1	Yes
SW¼ of SE¼	17*	13N	11W	MD	21	Yes
SE¼ of SE¼	17*	13N	11W	MD	38	Yes
SE¼ of SW¼	17*	13N	11W	MD	1	Yes
NW¼ of NE¼	20*	13N	11W	MD	34	Yes
NE¼ of NE¼	20*	13N	11W	MD	40	Yes
SW¼ of NE¼	20*	13N	11W	MD	2	Yes
SE¼ of NE¼	20*	13N	11W	MD	10	Yes
NW¼ of NW¼	21*	13N	11W	MD	39	Yes
NE¼ of NW¼	21*	13N	11W	MD	28	Yes
NW¼ of NE¼	21*	13N	11W	MD	9	Yes
NE¼ of NE¼	21*	13N	11W	MD	1	Yes
SW¼ of NW¼	21*	13N	11W	MD	20	Yes
SE¼ of NW¼	21*	13N	11W	MD	35	Yes

<b>Licensed 11727 (Application 25596) - Proposed Place of Use</b>						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SW¼ of NE¼	21*	13N	11W	MD	37	Yes
SE¼ of NE¼	21*	13N	11W	MD	11	Yes
NE¼ of SW¼	21*	13N	11W	MD	25	Yes
NW¼ of SE¼	21*	13N	11W	MD	40	Yes
NE¼ of SE¼	21*	13N	11W	MD	22	Yes
SE¼ of SW¼	21*	13N	11W	MD	10	Yes
SW¼ of SE¼	21*	13N	11W	MD	40	Yes
SE¼ of SE¼	21*	13N	11W	MD	33	Yes
SE¼ of SW¼	22	13N	11W	MD	21	Yes
NE¼ of SW¼	22	13N	11W	MD	5	Yes
SW¼ of SE¼	22	13N	11W	MD	26.5	Yes
SE¼ of SE¼	22	13N	11W	MD	14.5	Yes
NW¼ of SE¼	22	13N	11W	MD	0.5	Yes
SW¼ of NW¼	26	13N	11W	MD	10	Yes
NE¼ of NW¼	27	13N	11W	MD	5	Yes
NW¼ of NE¼	27	13N	11W	MD	32	Yes
NE¼ of NE¼	27	13N	11W	MD	5	Yes
SW¼ of NW¼	27	13N	11W	MD	8	Yes
SW¼ of NE¼	27	13N	11W	MD	19	Yes
SE¼ of NE¼	27	13N	11W	MD	32	Yes
NW¼ of SW¼	27	13N	11W	MD	2	Yes
NE¼ of SE¼	27	13N	11W	MD	10.5	Yes
NW¼ of SE¼	27	13N	11W	MD	0.5	Yes
NW¼ of NE¼	28	13N	11W	MD	22	Yes
NE¼ of NE¼	28	13N	11W	MD	38	Yes
SW¼ of NE¼	28	13N	11W	MD	30	Yes
SE¼ of NE¼	28	13N	11W	MD	9	Yes
NW¼ of SE¼	28	13N	11W	MD	10	Yes
NE¼ of SE¼	28	13N	11W	MD	36	Yes
SE¼ of SE¼	28	13N	11W	MD	7	Yes
NE¼ of NW¼	28	13N	11W	MD	18	Yes
<b>TOTAL</b>					<b>935.5</b>	

**NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT**

**APPLICATION:** 31179  
**APPLICANT:** East Sanel Irrigation Company  
c/o Wagner and Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95814  
**FILED:** May 1, 2001

**Description of Project – Application 31179**

The applicant seeks a right to continue to divert 2.95 cfs by pumping from an existing channel (constructed in the mid-1970s) from the Russian River utilizing an 8-horsepower pump. Water is pumped via a 14-inch steel pipe approximately 11,400-feet in length. The water is used for the purpose of frost protection of 935.5 acres of vineyards. East Sanel Irrigation Company is comprised of lands owned by five entities as shown in the section titled “Background”. The project is located approximately one-half mile southeast from Old Hopland.

**Summary of Application 31179**

County: Mendocino  
Source: Russian River  
Point of  
Diversion: Located within the NE¼ of SE¼ of Section 18, T13N, R11W, MDB&M.  
Amount: 2.95 cfs by direct diversion.  
Season: February 15 through March 31 of each year. The maximum annual amount under this application shall not exceed 258 afa. The combined annual amount under License 11727 (Application) 25596, and Applications 31179, and 31261 shall not exceed 598 afa.  
Purposes: Frost Protection.  
Place of Use: The place of use is the same 935.5 acres listed above under Licensed Application 25596 proposed place of use.

**NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT**

**APPLICATION:** 31261  
**APPLICANT:** East Sanel Irrigation Company  
c/o Wagner and Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95814  
**FILED:** December 19, 2001

**Description of Project – Application 31261**

The applicant seeks a right to continue to divert 2.95 cfs by pumping from an existing channel (constructed in the mid-1970s) from the Russian River utilizing an 8-horsepower pump with a discharge rate of 2.95 cfs. Water is conveyed via a 14-inch steel pipe approximately 11,400-feet in

length. The water is used for the purpose of irrigating 935.5 acres of vineyards. East Sanel Irrigation Company is comprised of lands owned by five entities as shown in the section titled “Background”. The project is located approximately one-half mile southeast from Old Hopland.

**Summary of Application 31261**

County: Mendocino  
 Source: Russian River  
 Point of  
 Diversion: Located within the NE¼ of SE¼ of Section 18, T13N, R11W, MDB&M.  
 Amount: 2.95 cfs by direct diversion.  
 Season: November 1 to November 15 of each year. The maximum annual amount under this application shall not exceed 87 afa. The combined annual amount under Licensed Application 25596, and Applications 31179 and 31261 shall not exceed 598 afa.  
 Purposes: Irrigation.  
 Place of Use: The place of use is the same 935.5 acres listed above under Licensed Application 25596 proposed place of use.

**NOTICE TO CHANGE IN THE PLACE OF USE AND ADD/DELETE POINTS OF DIVERSION**

**APPLICATION:** 29783  
**PETITIONER:** Middleridge Vineyard  
 c/o Wagner and Bonsignore  
 444 North Third Street, Suite 325  
 Sacramento, CA 95814

**PETITION FILED:** August 6, 2003

**Description of Project – Application 29783**

Application 29783 was filed on July 31, 1990. The application was noticed to the public on October 25, 1991 and has not been permitted. The applicant has constructed two onstream reservoirs, each with a capacity of 35 af. The applicant originally planned to fill the reservoirs from two sources: (a) two separate unnamed streams tributary to McDowell Creek and (b) two points on Coleman Creek tributary to Pieta Creek. The total quantity sought under this application and existing permits (Applications 25887A and 25888A) shall not exceed 326 af of storage. The applicant has filed a petition to delete the two points of diversion located on Coleman Creek and change the place of use under Application 29783 to accurately describe the project as it is being operated. The applicant has requested to increase its place of use from 165 acres to 181.5 acres.

**Summary of Permitted Applications 29783**

County: Mendocino  
 Source: *To be deleted: Coleman Creek tributary to Pieta Creek thence the Russian River*  
Remaining Sources: Two Unnamed Streams tributary to McDowell Creek thence Dooley Creek thence the Russian River

Points of Diversion: *To be deleted: Point No. 1 located within the NW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub>, Section 35 and Point No. 2 located within the SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>, Section 26, both within T13N, R11W, MDB&M*  
Remaining Points of Diversion: (3) NE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> and (4) NE<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub> both within of Section 27, T13N, R11W, MDB&M.

Amount: 70 afa to storage.  
 Season: December 15 through March 31 of the succeeding year.  
 Purposes: Irrigation, Frost Protection, and Heat Control.  
 Place of Use:

Application 29783						
Use Within	Section	Township	Range	B & M	Irrigated - Yes	
					Existing Place of Use (No. of Acres) A29783	Proposed Place of Use (Number of Acres)
SE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	22	13N	11W	MD	12	21
NE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	22	13N	11W	MD	0	5
SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	22	13N	11W	MD	32	26.5
SE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	22	13N	11W	MD	14	14.5
NW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	22	13N	11W	MD	0	0.5
SW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	26	13N	11W	MD	1	10
NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	26	13N	11W	MD	1	0
NE <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	1	5
NW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	31	32
NE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	9	5
SW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	10	19
SE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	38	32
NE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	16	10.5
NW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	27	13N	11W	MD	0	0.5
<b>TOTAL</b>					165	<b>181.5</b>

**NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT**

**APPLICATION:** 31446  
**APPLICANT:** Middleridge Vineyards

c/o Wagner and Bonsignore  
 444 North Third Street, Suite 325  
 Sacramento, CA 95814

**FILED:** September 11, 2003

**Description of Project – Application 31446**

The applicant seeks a right to store water behind an existing (constructed in 1996) 15-foot-high dam forming a seven-acre-foot capacity on-stream reservoir with a surface area of one acre. Water is diverted into Reservoir G from an existing ditch system. Water will be used for the purposes of irrigation, frost protection, and heat control of 181.5 acres of vineyards. The project is located approximately three and one-half miles southeast from Old Hopland.

**Summary of Application 31446**

County: Mendocino  
 Source: Unnamed Stream tributary to the Russian River  
 Point of Diversion: Located within the NE¼ of NE¼ of Section 27, T13N, R11W, MDB&M.  
 Amount: 7 afa of storage.  
 Season: December 15 through March 31 of the succeeding year.  
 Purposes: Irrigation, Frost Protection, and Heat Control.  
 Place of Use:

Application 31446						
Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE¼ of SW¼	22	13N	11W	MD	21	Yes
NE¼ of SW¼	22	13N	11W	MD	5	Yes
SW¼ of SE¼	22	13N	11W	MD	26.5	Yes
SE¼ of SE¼	22	13N	11W	MD	14.5	Yes
NW¼ of SE¼	22	13N	11W	MD	0.5	Yes
SW¼ of NW¼	26	13N	11W	MD	10	Yes
NE¼ of NW¼	27	13N	11W	MD	5	Yes
NW¼ of NE¼	27	13N	11W	MD	32	Yes
NE¼ of NE¼	27	13N	11W	MD	5	Yes
SW¼ of NE¼	27	13N	11W	MD	19	Yes
SE¼ of NE¼	27	13N	11W	MD	32	Yes
NE¼ of SE¼	27	13N	11W	MD	10.5	Yes
NW¼ of SE¼	27	13N	11W	MD	0.5	Yes
<b>TOTAL</b>					<b>181.5</b>	

**NOTICE OF CHANGE IN THE PLACE OF USE AND PURPOSE OF USE**

**APPLICATION:** 30015  
**PETITIONER:** M-R Vineyard

c/o Wagner and Bonsignore  
 444 North Third Street, Suite 325  
 Sacramento, CA 95814

**FILED:** November 8, 2000

**Description of Project – Application 30015**

Application 30015 was filed on October 10, 1991. The application was noticed to the public on August 29, 1993 and has not been permitted. The applicant has filed a petition to add frost protection as a beneficial use and to increase the place of use under this application to accurately describe the project as it is being operated. The applicant has requested to increase its place of use from 170 acres to 425.5 acres. The project consists of diverting water to three on-stream reservoirs for the purposes of irrigation, frost protection, and stockwatering. Reservoir No. 1 has a storage capacity of 49 acre-feet (af); Reservoir No. 2 has a storage capacity of 31 af; and Reservoir No. 3 has a storage capacity of 43 af: The project is located three and one-half miles southeast from Old Hopland.

**Summary of Applications 30015**

County: Mendocino  
 Source: Dooley Creek thence the Russian River  
 Points of  
 Diversion: (1) Located within the SW¼ of NW¼;  
 (2) Located within the SW¼ of SW¼; and  
 (3) Located within the SE¼ of SW¼; all within Section 27, T13N, R11W, MDB&M  
 Amount: 123 acre-feet per annum of storage.  
 Season: December 1 to April 30 of the succeeding year.  
 Purposes: Irrigation and Stockwatering.  
 Place of Use: The existing place of use for Application 30015 is as follows:

Application 30015						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Existing Number of Acres	Presently Cultivated (Y/N)
SE¼	21*	13N	11W	MD	90	Yes
NE¼ of SW¼	21*	13N	11W	MD	10	Yes
SW¼ of NE¼	21*	13N	11W	MD	30	Yes
NE¼ of NE¼	28	13N	11W	MD	40	Yes
<b>TOTAL</b>					<b>170</b>	

Proposed  
 Place of Use: Same place of use as shown below under Application 31296.

**NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT**

**APPLICATION** 31296  
**APPLICANT:** M-R Vineyard  
 c/o Wagner and Bonsignore  
 444 North Third Street, Suite 325  
 Sacramento, CA 95814  
**FILED:** February 19, 2002

**Description of Project – Application 31296**

The applicant proposes to divert water from the Russian River using an existing diversion facility covered by License 11727 (Application 25596) of East Sanel for irrigation, frost protection and heat control of 425.5 acres of vineyards. Of the 425.5 acres, 165 acres are located on Middleridge Vineyards property and served by pending Application 29783 and Permitted Applications 25887A&B and A25888A&B. License 11727 (Application 25596) of East Sanel and pending Application 30015 of M-R Vineyard list 170 acres on M-R Vineyard lands of the proposed 425.5-acre place of use. Middleridge and M-R Vineyards have petitioned to change the places of use to include the entire 425.5 acres.

The water sought under Application 31296 will add operational flexibility by adding a diversion from the Russian River for water to be stored in Reservoirs Nos. 1, 2, and 3. These reservoirs are also listed in water right Application 30015. Application 30015 requests diversion of 123 acre-feet of water from Dooley Creek to for storage in Reservoir Nos. 1, 2, and 3, and Application 31296 seeks to divert water from the Russian River to store up to 123 acre-feet in the same three reservoirs during the same diversion season as Application 30015. The total maximum amount to be stored under both Applications 30015 and 31296 shall not exceed 123 acre-feet annually. Water will be conveyed to M-R Vineyards via a 14-inch diameter pipeline approximately 11,400 feet in length. The total amount of water diverted by this application together with Applications 25887A&B, 25888A&B, 29783, 30015, 25596 (License 11727), 31179 and 31261 shall not exceed 880 acre-feet per year. The applicant plans to install a drip irrigation and frost protection system. Water will be used for irrigation, frost protection, and heat control purposes. The point of diversion on the Russian River is located approximately one-half mile south from Old Hopland. The three reservoirs are located approximately three miles southeast from Old Hopland.

**Summary of Application 31296**

County: Mendocino  
 Source: Russian River  
 Point of  
 Diversion: Located within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, T13N, R11W, MDB&M.  
 Points of  
 Re-Diversion: Reservoir No. 1 located within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ;  
 Reservoir No. 2 located within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$ ; and  
 Reservoir No. 3 located within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ;  
 all within Section 27, T13N, R11W, MDB&M

Amount: 123 acre-feet per year of storage.  
 Season: December 1 through April 30 of the succeeding year.  
 Purposes: Irrigation, Frost Protection, and Heat Control.  
 Place of Use:

APPLICATIONS 30015 and 31296						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SW¼ of NE¼	21*	13N	11W	MD	12	Yes
SE¼ of NE¼	21*	13N	11W	MD	9	Yes
NE¼ of SW¼	21*	13N	11W	MD	10	Yes
NW¼ of SE¼	21*	13N	11W	MD	40	Yes
NE¼ of SE¼	21*	13N	11W	MD	22	Yes
SW¼ of SE¼	21*	13N	11W	MD	20	Yes
SE¼ of SE¼	21*	13N	11W	MD	33	Yes
SE¼ of SW¼	22	13N	11W	MD	21	Yes
NE¼ of SW¼	22	13N	11W	MD	5	Yes
SW¼ of SE¼	22	13N	11W	MD	26.5	Yes
SE¼ of SE¼	22	13N	11W	MD	14.5	Yes
NW¼ of SE¼	22	13N	11W	MD	0.5	Yes
SW¼ of NW¼	26	13N	11W	MD	10	Yes
NE¼ of NW¼	27	13N	11W	MD	5	Yes
NW¼ of NE¼	27	13N	11W	MD	32	Yes
NE¼ of NE¼	27	13N	11W	MD	5	Yes
SW¼ of NW¼	27	13N	11W	MD	8	Yes
SW¼ of NE¼	27	13N	11W	MD	19	Yes
SE¼ of NE¼	27	13N	11W	MD	32	Yes
NW¼ of SW¼	27	13N	11W	MD	2	Yes
NE¼ of SE¼	27	13N	11W	MD	10.5	Yes
NW¼ of SE¼	27	13N	11W	MD	0.5	Yes
NE¼ of NE¼	28	13N	11W	MD	36	Yes
SE¼ of NE¼	28	13N	11W	MD	4	Yes
NW¼ of SE¼	28	13N	11W	MD	5	Yes
NE¼ of SE¼	28	13N	11W	MD	36	Yes
SE¼ of SE¼	28	13N	11W	MD	7	Yes
<b>TOTAL</b>					<b>425.5</b>	

**NOTICE OF CHANGE IN THE PLACE OF USE**

**APPLICATIONS:** 29760 and 30656

**PETITIONER:** Brutocao Vineyards  
 c/o Wagner and Bonsignore  
 444 North Third Street, Suite 325  
 Sacramento, CA 95814

**APPLICATIONS**

**FILED:** June 11, 1990 (Application 29760)  
 October 21, 1997 (Application 30656)

**Description of Projects - Applications 29760 and 30656**

The applications were noticed on April 3, 1998 and protests were received. The protests that are unresolved and remain in good standing include: Trout Unlimited of California, California Sportfishing Protection Alliance, and Department of Fish and Game. The notice dated April, 1998 stated the applicant was irrigating 328 acres; however, after an inspection by the Division, it was determined the place of use is 357 acres. The applicant has filed change petitions that request an increase in the place of use to 357 acres.

Background

The applicant has filed two applications as follows: (1) Application 29760 is for direct diversion of 2.95 cfs (not to exceed 385 afa) for irrigation and total storage of 158 afa for irrigation, frost protection, heat control, and incidental recreational purposes and (2) Application 30656 was filed for direct diversion of 2.95 cfs (not to exceed 328 afa) from March 1 through May 15 of each year for frost protection of the irrigated vineyards under Application 29760. The combined amount to be diverted under both applications shall not exceed 543 afa.

Application 29760 has five reservoirs and consists of diverting water from the Russian River (East Sanel’s point of diversion) and conveying it via a pipeline to Offstream Reservoir A. The pipeline has a “T” before it reaches Reservoir A that allows the applicant to divert water to Offstream Reservoir B. Reservoirs A and B were constructed in 1972 and 1984, respectively, and irrigate and frost protect the upper portion of the vineyard. Reservoirs Nos. 2 and 3 were constructed in the early 1990s, and Reservoir No. 4 is a pit-type reservoir that has yet to be constructed. Reservoirs Nos. 2, 3, and 4 are onstream and collect water from an unnamed stream tributary to Dooley Creek to irrigate the southern portion of the ranch. Water is also taken from a well located near Offstream Reservoir A for storage and can be pumped up to Reservoirs Nos. 2 and 3. Water can be transported and commingled with waters from Offstream Reservoirs A and B to Reservoirs Nos. 2, 3, and 4.

**Summary of Application 29760**

County: Mendocino  
 Source: (1) Russian River,  
 (2) (3) Unnamed Streams Tributary to Dooley Creek, and  
 (4) Unnamed Stream tributary to the Russian River  
 Point of Direct

Diversion and

Diversion to

Storage: (1) Located within the NE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 18;

Points of

Diversion and

ReDiversion: (2) (3) Located within the NW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 28; and  
 (4) Located within the SW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 28;  
 all within T13N, R11W, MDB&M.

Offstream

Storage: Reservoir A located within the NE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of Section 21 and  
 Reservoir B located within the NE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 20, both within  
 T13N, R11W, MDB&M.

Amount: 2.95 cfs by direct diversion (not to exceed 385 afa).  
 158 afa of storage. Total combined direct diversion and storage is 543 afa.  
 Combined annual amount (direct diversion and storage) under  
 Applications 29760 and 30656 shall not exceed 543 afa.

Season: May 15 to June 30 and November 1 through November 15 by direct diversion  
 from Point of Diversion (POD) No. 1.  
 November 1 through June 30 of the succeeding year for storage from POD No. 1.  
 December 15 through March 31 of the succeeding year for storage from POD  
 Nos. 2, 3, and 4.

Purposes: Irrigation, Frost Protection, Heat Control, Fire Protection, and Incidental  
 Recreational.

Place of Use:

<b>Applications 29760 and 30656 - Change in the Place of Use</b>						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16*	13N	11W	MD	2	Yes
SE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	17*	13N	11W	MD	1	Yes
SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	17*	13N	11W	MD	7	Yes
NW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	20*	13N	11W	MD	34	Yes
NE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	20*	13N	11W	MD	24	Yes
SW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	20*	13N	11W	MD	2	Yes
SE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	20*	13N	11W	MD	10	Yes
NW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	30	Yes
NE <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	28	Yes
NW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	9	Yes
NE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	1	Yes
SW of NW <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	20	Yes
SE <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	35	Yes
SW <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub>	21*	13N	11W	MD	25	Yes

<b>Applications 29760 and 30656 - Change in the Place of Use</b>						
Use Within	Projected* Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE¼ of NE¼	21*	13N	11W	MD	4	Yes
NE¼ of SW¼	21*	13N	11W	MD	15	Yes
SE¼ of SW¼	21*	13N	11W	MD	10	Yes
SW¼ of SE¼	21*	13N	11W	MD	20	Yes
NW¼ of NE¼	28	13N	11W	MD	20	Yes
NE¼ of NE¼	28	13N	11W	MD	2	Yes
SW¼ of NE¼	28	13N	11W	MD	30	Yes
SE¼ of NE¼	28	13N	11W	MD	5	Yes
NW¼ of SE¼	28	13N	11W	MD	5	Yes
NE¼ of NW¼	28	13N	11W	MD	18	Yes
<b>TOTAL</b>					<b>357</b>	

**Summary of Application 30656**

County: Mendocino  
 Source: Russian River  
 Point of  
 Diversion: Located within the NE¼ of SE¼ of Section 18, T13N, R11W, MDB&M  
 Amount: 2.95 cfs by direct diversion (not to exceed 328 afa)  
 Season: March 1 through May 15 of each year.  
 Purposes: Frost Protection.  
 Place of Use: Refer to Summary under Application 29760.

**Environmental Information**

The environmental information shown below applies to all of the above listed applications and petitions listed in this notice.

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect

on the environment, please send this information to Steven Herrera; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

## **PROTEST SUBMITTAL INFORMATION**

### **Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

## **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division's website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

## **Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **40<sup>th</sup>** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

## **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at [pmeroney@waterboards.ca.gov](mailto:pmeroney@waterboards.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **April 12, 2005**